



The Ohio State University Public Broadcasting Stations

WOSU-AM 820 Columbus • **WOSU-FM 89.7** Columbus • **WOSU-TV 34** Columbus
WOSE-FM 91.1 Coshocton • **WOSV-FM 91.7** Mansfield • **WOSB-FM 91.1** Marion • **WOSP-FM 91.5** Portsmouth • **WPBO-TV 42** Portsmouth

June 1, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: MM Docket No. 99-325

Dear Ms. Dortch:

On behalf of The WOSU Stations of The Ohio State University, licensee of non-commercial, educational stations WOSU-AM-FM, Columbus, Ohio; WOSV, Marion, Ohio; WOSP, Portsmouth, Ohio; WOSE, Coshocton, Ohio and WOSB, Marion, Ohio, I am responding to the request for comments on the Federal Communications Commission's Further Notice of Proposed Rulemaking in this proceeding concerning digital terrestrial radio.

The WOSU Stations strongly support IBOC digital broadcasting and urges the Commission to promote policies that provide non-commercial broadcasters and receiver manufacturers with the flexibility necessary to fully realize the benefits of iBiquity Digital Corporation's HD Radio™ technology.

As background, please note that WOSU-FM is a Class B FM station broadcasting at 89.7 MHz in Columbus. On March 24, 2004, WOSU-FM began digital broadcasts using the HD Radio system as the first station to implement digital radio in central Ohio. WOSU-FM is currently operating under experimental authorization granted by the Commission on May 5, 2004 to test the *Tomorrow Radio*™ multiplexing technology for implementing a second digital audio channel and other supplemental services.

The approval of final rules for multiplexed audio services will likely drive the digital conversion of our stations in Mansfield, Portsmouth, Coshocton and Marion.

At this time, WOSU-FM is exploring the use of additional news and public service programming on the multiplex channel(s). While the hybrid main channel will continue to provide our primary programming, the additional channel offers the opportunity to broadcast a more diverse program schedule. This schedule will likely

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include locally-produced programs and formats not currently heard in this region and targeted at audiences not customarily served by public radio.

With the growing diversity of our local service area, we are already building relationships with emerging communities, such as our large Somali immigrant population. English as a second language, or programming for non-English speaking residents is under discussion, based on the new availability of broadcast time.

The WOSU Stations did not encounter any problems with the conversion of WOSU-FM and is impressed with the quality and reliability of the digital signal. We believe IBOC operation and the option of additional audio and data channels will bring significant benefits to WOSU's listeners in the form of new programming at a much lower cost than acquiring an additional station. In our two months of operation, we have not encountered any interference problems or listener complaints relating to our digital broadcasts.

Even in the virtual absence of receivers in the marketplace, WOSU-FM has already seen benefits from the digital conversion. Congresswoman Deborah Pryce (R-15, Ohio), Republican Conference Chair, graciously agreed to participate in our first digital broadcast and her involvement helped raise the station's visibility both locally and nationally.

Technical Recommendations

The WOSU Stations of The Ohio State University strongly support the FCC's efforts to promote the adoption of digital radio and to develop final rules for digital service. We urge the Commission to provide as wide a latitude as possible in these rules to allow the greatest flexibility and a full exploration of the public service opportunities that digital radio may afford. The Commission's rules on digital service should not impose greater burdens on the digital broadcast than currently exist for analog broadcasts. A highly-regulated approach will discourage widespread adoption of the technology to the detriment of the general public.

While the interim rules for digital broadcasts have WOSU-FM and other stations to begin IBOC service, we believe that the rollout of HD Radio has proved technically successful and now warrants the establishment of permanent single-channel IBOC rules for FM stations. We also urge the Commission to move to immediately establish rules for Secondary Audio Channel (SAC) operation for FM.

The designation of IBOC service as a permanent authorization rather than an interim service will provide greater regulatory certainty for broadcasters and equipment

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manufacturers and encourage the adoption of digital technology leading to greater public service.

The Ohio State University also urges the Commission to immediately permit the interim use of AM nighttime digital transmission, within the existing interference restrictions designed to protect adjacent channel stations' primary service areas. The fact that the technical realities of AM broadcasting allow some stations to be received beyond their authorized patterns at night should not rise to the level of a compelling argument to block other stations from providing a quality IBOC service to listeners in the markets where they are licensed.

While some interference issues will likely have to be resolved, possibly through directional antenna arrays, we strongly believe that AM IBOC is an essential upgrade to preserve the AM band's capacity to provide public service to Americans in a digital era. Interim rules allowing nighttime AM IBOC will allow stations to identify the problems and resolve them at this time, before an influx of digital receivers increases the potential of these problems effecting listeners.

Equipment recommendations

To insure that all Americans have access to the enhanced services, we urge the Commission to establish a date when all AM/FM receivers are required to receive digital terrestrial services as well. As precedent, we cite FCC rules that were established more than 20 years ago to require manufacturers to include FM in their radios.

Citing television rules that have, in essence, eliminated the public's perception of a difference in the VHF and UHF bands, we urge the commission to require receiver manufacturers to present both AM and FM stations as a single continuous band, without the requirement to use some kind of AM/FM switch. In considering mobile receivers, this would eliminate one of the distractions that pull drivers' eyes away from the road.

To insure easy access to the secondary and other additional audio channels, we also recommend that receivers be required to detect these channels in such a way that they simply appear as the next adjacent signal on the band, as the "next-click" over. This would also eliminate the need for an additional control on the receiver to access the secondary channels.

It is likely that the first several years of station implementations will see many innovations and improvements in digital operations. The Commission should use its existing equipment certification procedures to regulate the broadcast equipment used for digital broadcasts but should not burden the radio industry with a requirement that every

innovation in HD Radio implementation receive prior Commission authorization. All stations that are able to take advantage of these innovations should have that opportunity without the need for Commission authorization on a station by station basis.

Service Recommendations

As non-commercial, educational stations, the WOSU public radio stations request the greatest flexibility possible in content rules. We have a long history of serving the needs and interests of our listeners, with a distinguished record of addressing the educational needs of the public. We believe that meeting our non-commercial public service obligations on our primary analog and digital signals would better allow us to explore how the multiplexed audio and data services could help us meet that service mission.

We recommend that broadcasters be authorized to use scaling of the audio codec and the system's extended hybrid mode to introduce these new audio and data services that can co-exist with a station's main program audio service. Overt regulation of this technology at the early stage of its implementation will stifle the development of innovative services that will benefit listeners. In this regard, the Commission should authorize stations that are able to develop useful services to offer subscription-based services that may promote faster adoption of digital technology. The unrestricted use of SAC technology will also provide public broadcasters opportunities to identify new revenue streams that will strengthen our ability to better serve the public into the future.

As a non-commercial licensee seeking new sources of financial support for our broadcast operations, The WOSU Stations and The Ohio State University oppose any initiative to impose fees for broadcaster datacasting or multicasting services, even if offered on a subscription basis.

Unlike the situation for the digital television conversion, the FCC has not allocated additional spectrum for radio broadcasters to accommodate the new digital signal. In the case of radio, where there has been no new spectrum, the FCC should not impose fees on ancillary services that are supported by the HD Radio system. The FCC currently authorizes subsidiary communication services that operate with existing analog FM without charging broadcasters for the opportunity to offer these services. There are no fees imposed even for subscription SCA services. The potential datacasting and multicasting features of the HD Radio system are digital upgrades to existing SCA services and should not give rise to a new class of fees that would unfairly burden the digital service for offerings that are analogous to current analog services.

Despite the economies of scale available through the use of supplementary audio channels, there will still be costs involved in developing the new services and the

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audience access will be very limited at the start because of the anticipated initial scarcity of SAC receivers. To provide widest distribution of that new content, we request that the Commission allow analog translator stations that are currently allowed to repeat a station's analog signal under existing Commission rules be permitted to provide an analog rebroadcast of that station's secondary digital channel instead and to relax the restrictions on the method of signal distribution to all translators operating in a non-commercial mode.

We also oppose any regulations that would place receiver manufacturers under the expensive burden of complying with some type of content copyright protection scheme.

The WOSU Stations of The Ohio State University appreciate the opportunity to offer views on the Commission's proposals and encourages the FCC to expedite its completion of the IBOC rules.

Respectfully submitted,

(signature)

Thomas M. Rieland
General Manager
WOSU Stations

cc: Margaret Miller, Dow, Lohnes & Albertson, PLLC